

EXHIBIT 1

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From: Jocelyn Ma <jocelynma@quinnemanuel.com>
Sent: Tuesday, May 17, 2022 11:21 AM
To: Caridis, Alyssa; Lindsay Cooper
Cc: QE-Sonos3; Sonos-NDCA06754-service
Subject: RE: Sonos v Google -- Showdown Trial

Categories: Sonos-Google 1191

This message originated from outside your organization

Alyssa,

See below for further responses on the discovery issues:

- Active Users, Subscribers, and Subscription Revenue:
 - GOOG-SONOSNDCA-00075634: The information regarding active users included U.S. data only, and we are still investigating whether we are able to provide a break down of this data by device. For YouTube, YouTube Kids, and YouTube Music, “active users” were defined as logged-in users who actively used the app at least once in a given month. For YouTube TV, “members” include both YouTube TV subscribers and members. As explained in the spreadsheet, each YouTube subscriber can have up to five members on his or her account for a total of six members per household.
 - GOOG-SONOSNDCA-00073340: “nocturne_cheets” refers to the Pixel Slate, and “barbet” refers to the Pixel 5a. Data regarding the Pixel 4a (5G) was inadvertently omitted from this spreadsheet. We will produce an updated version shortly. Additionally, the Hub devices do not run Android applications, so they are not included on this spreadsheet.
 - GOOG-SONOSNDCA-00055305: We are still investigating whether Google tracks the number of unpaid and paid subscribers, and if it tracks that information as associated with the revenue information produced at GOOG-SONOSNDCA-00055305. As Lindsay noted in her May 10 email, to the extent advertising revenue is attributed to YouTube Music, that revenue would be reflected on the Core P&L tab of this spreadsheet.
- “Lifetime Value Analyses”: After a reasonably diligent search, Google has not located any “lifetime value analyses” that relate to the accused functionalities. We have also conducted a reasonably diligent search for “lifetime value analyses” or similar analyses that measure the ongoing value to Google of having an individual use an app with an accused hardware product. We have not located any examples of these types of analyses either.
- Consumer Demand: As Google confirmed on the parties’ May 3 meet and confer, we did not locate any customer surveys measuring the value or the purported “value” of the accused functionalities. However, Google has produced documents sufficient to show how Google studies the rest of the features of the accused applications. At this point, Google has conducted a reasonable search in response to these requests.
- Usage Metrics: As noted, Sonos asserted for the first time on Sunday, May 15 that it purportedly needs the “total hours of YouTube Music / YouTube played versus the hours spent casting from 2017 to present.” We are investigating this new request.
- Pre-Installed Applications: We are checking with the relevant teams to determine whether any documents showing the actual and projected benefits of pre-installing applications on Pixel devices exist.
- Households & Registrations: Contrary to your email, Google did not agree “to produce documents sufficient to show the number of United States households that use Google’s Cast-Enabled Media Players and the number of players registered in such households.” Rather, we indicated that the term “households” was vague and unclear. Upon further explanation by Sonos that it was seeking information about “however Google tracks when there are multiple speakers that could be grouped,” Google agreed to investigate. We have been unable to locate such data. On the meet and confer, Sonos noted it had some indication that such data exists. Although we asked Sonos to provide that information, we have not received it.

- Sonos's 30(b)(6) Topic No. 3: Per Lindsay's May 11 email, Google has designated Chris Chan on Topic No. 3 as it pertains to (1) Google's strategies for the sale and marketing of the accused functionalities and the accused hardware products; (2) the competitive relationship between the parties to the extent there is one, and (3) metrics information regarding installs of the accused software apps on the accused hardware devices and usage of the accused functionalities. Mr. Chan will be prepared to discuss GOOG-SONOSNDCA-00075635 and GOOG-SONOSNDCA-00073340.
- Sonos's 30(b)(6) Topic No. 4: As noted in Google's objections and responses to Sonos's 30(b)(6) notice, which Google served back in early February, Google has not agreed to designate a witness on projections, forecasts, and/or lifetime value analyses. Given that Sonos has had Google's objections and responses for over three months, Sonos had ample opportunity to raise this as an issue—including in its February 22 letter and during the parties' corresponding meet and confer regarding Sonos's 30(b)(6) topics—but never did. As explained in Lindsay's May 11 email, Google has designated Chris Chan on Topic No. 4 as it pertains to (1) customer feedback, including comments and/or complaints regarding the accused functionalities to the extent such feedback exists and is reasonably within Google's possession, custody and control, and (2) metrics information regarding usage of the accused functionalities.

Best,
Jocelyn

From: Caridis, Alyssa <acaridis@orrick.com>

Sent: Tuesday, May 10, 2022 8:18 PM

To: Lindsay Cooper <lindsaycooper@quinnemanuel.com>

Cc: QE-Sonos3 <qe-sonos3@quinnemanuel.com>; Sonos-NDCA06754-service <Sonos-NDCA06754-service@orrick.com>

Subject: RE: Sonos v Google -- Showdown Trial

[EXTERNAL EMAIL from acaridis@orrick.com]

Lindsay –

During our last call you suggested a May 23 exchange of opening expert reports, with each party having the opportunity to depose any expert submitting such a report “well before June 8.” We have discussed this timing with our experts. Unfortunately, due to what we're all calling COVID-catchup, Mr. Malackowski is in trial or arbitration every week through the week of June 6th. Accordingly, he would not be available for a deposition until the week of June 13.

Turning to the substance of the last call, you had committed to produce / get back to us on several questions or follow-up information. I appreciate that you provided some responses today, but several issues remaining outstanding:

I. Hardware Financials

Thank you for getting back to us on the question of whether Google tracks fixed and variable costs for the accused hardware products. We are still waiting to understand how burdensome it would be for Google to create an ad-hoc report detailing fixed and variable costs as well as operating, incremental and net profit data. We recognize the information is tracked in raw, back-end data, and Google would need to create an ad-hoc report to pull it. How difficult would it be for Google to create such a report?

II. Advertisement Revenue

We are still waiting to understand how burdensome it would be for Google to create an ad-hoc report detailing gross, incremental and net profit data. We recognize the information is tracked in raw, back-end data, and Google would need to create an ad-hoc report to pull it. How difficult would it be for Google to create such a report?

III. Active Users, Subscribers, and Subscription Revenue

During our May 3rd meet and confer, Google agreed to produce a report showing active users of Accused Applications by May 6, 2022. It appears that Google has partly produced active user information for some of the accused apps, but this is not broken down by device or by region (i.e., U.S. vs. ROW). Google also promised to describe how “active users” was defined in the report (e.g. whether it is the total number of accounts or subscribers signed-in during a given time frame, or the number of devices used to log in to the accused applications). We continue to wait for the remainder of the report and the associated definition of “active users.”

Google also agreed to provide answers for a number of outstanding questions related to subscription revenue:

- GOOG-SONOSNDCA-00073340 contained project code names that were not discussed in Google’s interrogatory responses (such as “Barbette” and “Nocturn_cheats”). What products relate to these code names?
 - Relatedly, some code names were mentioned in the interrogatory responses but not included in the report (i.e. “Bramble” and “Meowith”). Why were these products not included in this report?
- Google committed to ascertain whether the company tracks the number of paid and unpaid subscribers as well as the number of paid and unpaid subscribers associated with the U.S. revenue reported in GOOG-SONOSNDCA-00055305. Does Google track this information?
 - Relatedly, Google agreed to confirm whether the revenue listed on the “US YTMP Revenue” tab of GOOG-SONOSNDCA-00055305 included U.S.-based advertisement P&L. Does the “US YTMP Revenue” tab include U.S.-based ad P&L?

IV. Forecasts

Sonos requested forecasts or projections for the United States relating to unit sales, unit downloads, and/or installs, revenues, costs and profits for each Accused Cast-Enabled App, the Google Home app, each Pixel Device, and each Cast-Enabled Media Player. During the parties’ meet and confer, Sonos requested such information back to 2016. Google agreed to review relevant case law pertaining to forecast data and identify a timeframe for which it is willing to produce forecasts. Will Google produce forecasts from 2016 through the present? If not, for what timeframe is Google willing to produce forecast data and when will the forecast data be produced?

V. Lifetime Value

During the parties’ May 3rd meet and confer, Google agreed to look into whether the company has data related to the lifetime value (or similar analyses) of products (at the product and feature level). Does Google have lifetime value data for the Accused Cast-Enabled Apps, the Google Home app, the Pixel Devices, the Cast-Enabled Media Players, or the Accused Functionalities?

VI. Incremental Value

During the parties’ May 3rd meet and confer, Google stated that after performing a reasonable search it is not aware of any documents showing the incremental value of including the Accused Functionalities in each Accused Cast-Enabled App, the Google Home app, each Pixel Device, and each Cast-Enabled Media Player. If this is incorrect please let us know.

VII. Consumer Demand

Google also promised to confirm that it has produced customer survey information identifying the value of cast features on Accused Cast-Enabled Applications and hardware. Has Google produced this information?

VIII. Usage Metrics

Google confirmed during the May 3rd meet and confer discussion that it was producing active user and other usage information for Accused Cast-Enabled Applications, the Google Home app, the Cast-Enabled Media Players, and the Accused Functionalities. Other than reports related to Google Home, Sonos still has not received reports for the other accused products and functionalities. When will Google be producing the remainder of the metric reports?

IX. Pre-Installed Applications

Sonos requested documents sufficient to show all applications that are pre-installed on each Pixel Device and the reasons why Google pre-installed those applications, including the actual and projected benefits of doing so. While we have

received an interrogatory response listing the pre-installed applications, we have yet to receive any information related to the actual or projected benefits for such installs. Please produce documents related to the actual and projected benefits of pre-installing those applications as soon as possible.

X. Households and Registrations

During the parties' meet and confer, Google agreed to produce documents sufficient to show the number of United States households that use Google's Cast-Enabled Media Players and the number of players registered in such households. We still haven't received this information. Please produce this data as soon as possible.

Relatedly, Sonos requested data pertaining to the number of speakers registered in each United States household. Google committed to look into whether the company tracks the number of speakers per household. Does Google track this information?

Finally, one issue that we didn't address in our meet and confer is Google's witness on Sonos's 30(b)(6) Topic 4 (customer feedback, comments, complaints, usage of the accused functionality). I understand that Google has confirmed that it will designate a witness (see Dan's March 23 letter), but I don't believe we've received that designation yet. Please let us know as soon as possible who Google's witness on this topic is and when they will be scheduled for deposition.

Please let us know the answers to these questions by the end of the week, or provide a time when we can continue our discussion.

Alyssa